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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota, by the
Minnesota Pollution Control
Agency,

File No. 670767

RECEIVED
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Plaintiff,

and

DEFENDANT'S INTERROGATORIES
TO PLAINTIFF AND INTERVENOR
(SET I)

City of St. Louis Park,

Intervenor-Plaintiff,

vs.

Reilly Tar & Chemical Corporation,

Defendant.

TO: State of Minnesota, plaintiff above-named, by Stephen
Shakman, Esq. Special Assistant Attorney General, Minnesota
Pollution Control Agency, 1935 W. County Road B2,
Roseville, Minnesota 55113; and to the City of St. Louis
Park, intervenor-plaintiff above-named, by Wayne G.
Popham, Popham, Haik, Schnobrich, Kaufman & Doty, Ltd. 4344
IDS Center, Minneapolis, Minnesota 55402

PLEASE TAKE NOTICE that you are requested and required
to furnish answers to the following interrogatories to defendant's
attorneys within thirty (30) days from the date of service hereof
pursuant to Rule 33 of the Minnesota Rules of Civil Procedure.

These Interrogatories are deemed to be continuing and
should you, your attorneys or agents obtain any other information
which would add to, modify or qualify answers supplied herein, you
are directed to give timely notice of such information and furnish
same to defendant and its attorneys without delay pursuant to
Rule 26.05 of the Minnesota Rules of Civil Procedure.

In answering these interrogatories, if privilege is alleged
as to any information or documents, or if an interrogatory is other-

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wise not answered in full after the exercise of due diligence to secure complete information, state the specific grounds for not answering in full and answer said interrogatory to the extent to which no privilege is claimed or information available, and fully identify the information or documents for which the privilege is asserted and specify the privilege (e.g., work-product, attorney-client).

DEFINITIONS

The following definitions are to be considered as applicable to all requests described below:

A. "State" means the State of Minnesota and all agencies, departments and divisions thereof including, but not limited to, the Minnesota Pollution Control Agency, the Minnesota Attorney General's office, the Minnesota Department of Health, and all predecessors and/or successors to the above agencies, departments and divisions; named or unnamed.

B. "City" means the Intervenor City of St. Louis Park and all agencies, departments and divisions thereof including, but not limited to, the City Council, Department of Public Works, Health Department, Sanitation Department, City Planning Commission, Housing and Redevelopment Authority and all predecessors and/or successors to the above agencies; named or unnamed.

C. "Plaintiff" means either the "State" or the "City" or both; as defined in Items A and B, above.

D. "Defendant" or "Reilly" means Defendant Reilly Tar & Chemical Corporation and any predecessor in interest to Reilly (including, but not limited to, Republic Creosoting Company), and any subsidiary of Reilly Tar or its predecessors which have engaged in the distillation of coal tar or application of creosote to timber in St. Louis Park, Minnesota.

E. The "Site" means all land which has at any time been owned by defendant Reilly in the City of St. Louis Park, Minnesota, and all land which has at any time been used by defendant in its former operations in St. Louis Park, Minnesota.

F. "Document" means the original and all drafts of any writing, record, or other graphic matter of any type or description regardless of whether designated "confidential", "privileged", or otherwise restricted, including without limitations: agreements; correspondence; letters; telegraphs; office communications; memoranda; reports; records; minutes of meetings; confirmations; recommendations; instructions; specifications; laboratory analyses; notes; notebooks; summaries; scrapbooks; diaries; calendars and appointment books; worksheets; work papers; sketches; blueprints; photographs; photocopies; charts; computations; calculations; printouts; curves; descriptions; accounts; invoices; records of obligations and expenditures; cancelled checks, vouchers, receipts and other records of payment; tabulations; tables; purchase orders; statements; bills; bills of lading; indexes; motion pictures; video tapes; phono-recordings; tape recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; drawings; maps; graphs; financial and statistical data; analyses; surveys; transcripts of testimony; statements; interviews; affidavits; printed matter (including published articles, speeches and newspaper clippings); press releases; photographs; and any retrievable data (whether encarded, taped, or coded electrostatically, electromagnetically, or otherwise); and any other data compilations from which information can be obtained (translated, if necessary, by the plaintiffs through detection devices into reasonably usable form) in plaintiffs' possession, custody, or control or in the custody or control of any of plaintiffs' employees,

attorneys, or consultants, wherever located, however produced or reproduced, including any identical or nonidentical copy, whether a draft or a final version, and without any limitation as to time or preparation.

G. "Person" or "persons" means any individual, firm, partnership, association, organization, corporation, government (or agencies thereof), quasi-public entity or other legal or commercial entity.

H. "Meeting" means any coincidence of presence of persons, whether by chance or prearranged, including but not limited to a formal or informal gathering, luncheon, dinner, social or business occasion, or any other group situation of two or more persons.

I. "Communication" means all modes of conveying meaning or information, such as, but not limited to, telephone, telegraph, or written or spoken language between two or more persons.

J. "Date" means the exact day, month and year, if ascertainable, or, if not, the closest approximation that can be made thereto, by means of, if not necessary, location and the relationship to other events.

K. "Identify" means with respect to an individual person to set forth that individual's full name and, on the first occasion that such individual is identified, the following information:

1. Present home address;
2. Present home telephone number;
3. Present business address;
4. Present business telephone number;
5. Present employer;
6. Present job title;
7. Present job description; and
8. Employment history, if any, by date, job description and title.

L. "Identify" means with respect to an entity other than the individual person to set forth the full name or title of the entity and, on the first occasion of such entity as identified, to state the address of the principal place of business and principal business or activity of such entity.

M. "Identify" means with respect to a document to set forth the following information:

1. The nature of the document (e.g., letter, memorandum, or report);
2. The date the document bears or, if undated, the day it was written or created;
3. The identification of all persons (other than routine clerical personnel) who participated in the preparation of the document;
4. The identification of all addresses;
5. The file number or other identifying mark or code of the document; and
6. The present location and custodian or, if unknown, the last known location and custodian of the document.

In all cases where plaintiffs are requested to identify particular documents, in lieu of such identification plaintiffs may supply a fully legible copy of the document in question. This permission, however, shall in no way prejudice defendant's right to require production and allow inspection of all records in plaintiffs' possession.

N. "Identify" means with respect to oral communications to set forth the following information:

1. The substance of the communication;
2. The date and time of the communication;

3. The place of origin of the communication and, if different (as in the case of telephone communications), the place at which the communication was received;
4. Identification of each originator and recipient of the communication; and
5. Identification of all persons present at the place of origin, and if different, the place of receipt of the communication at the time the communication took place.

O. As used herein, the singular form of a word, e.g., "document", "person", shall refer to the plural as well.

P. "Groundwater" means all water bodies, streams, springs, reservoirs, aquifers, or other water courses existing under the ground surface.

Q. "Surface water" means all streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, irrigation systems, drainage systems and all other bodies or accumulations of water on the surface of the ground.

R. "Geohydrology" or "geohydrological" shall refer to any document or oral communication relating in any way to groundwater and shall not be used to restrict discovery of documents, oral communications and other items to only items within the dictionary meaning of the terms.

S. "Water Chemistry" shall refer to any document, oral communication or other item of discovery relating in any way to the chemical, physical and qualitative properties of both surface water and groundwater.

T. "Coal Tar" or "creosote waste" shall refer to all chemicals known or suspected to be present in such material.

U. "Description" means both quantitative and qualitative discourses by persons as to their recorded or unrecorded mental im-

pressions of experiences of events; scenes; persons; sensations (sight, hearing, smell, taste, etc.); and other physical or chemical matter.

V. "Health physics," "health," or "physiological" shall refer to any known or suspected effect(s) on humans or laboratory animals. Where such effects are identified, set forth the following information:

1. Chemical(s) involved;
2. Known or suspected effect;
3. Human or animal;
4. Quantities necessary to cause effect;
5. Source of information; and
6. Identity and last known address of person with more information on effect.

INTERROGATORIES

INTERROGATORY NO. 1: Separately, with respect to each person plaintiffs expect to call as an expert witness at trial:

- a. State his identity;
- b. State the subject matter on which he is expected to testify;
- c. State the substance of the facts and opinions to which he is expected to testify; and
- d. State the grounds for each opinion he is expected to give.

INTERROGATORY NO. 2: Identify each person plaintiffs have retained as an expert in anticipation of litigation or preparation for trial and who is not expected to be called as a witness for trial.

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INTERROGATORY NO. 3: Referring to the allegation contained in Paragraph 4 of the State's Amended Complaint that ". . . thick, black, noxious-smelling wastes penetrated deep into the soil on Defendant's site and south of Defendant's site, where said wastes had been carried in surface runoff from the site",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 4: Referring to the allegation contained in Paragraph 4 of the State's Amended Complaint that "[c]oal tar and creosote waste discharged by the Defendant have penetrated more than fifty feet deep into the soil and have penetrated into soil at least 1,000 feet from Defendant's site",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 5: Referring to the allegation contained in Paragraph 5 of the State's Amended Complaint that "[t]he coal tar and creosote wastes discharged by the Defendant

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directly to the ground surface contained . . . polynuclear aromatic hydrocarbon (PAH) substances, including, inter alia, benzo(a)pyrene (also known as benzpyrene), benzo(a)anthracene, dibenze(a,h)anthracene, benzo(b)fluoranthene, benzo(i)-fluoranthene and chrysene. . . .

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 6: Referring to the allegation contained in Paragraph 5 of the State's Amended Complaint that each of the substances described in Interrogatory No. 5 ". . . is either a known or suspected human carcinogen",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 7: Referring to the allegation contained in Paragraph 6 of the State's Amended Complaint that ". . . phenols and carcinogenic PAH substances contained in Defendant's coal tar and creosote waste have entered the groundwater beneath Defendant's site and have traveled significant distances from the site",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 8: Referring to the allegation contained in Paragraph 6 of the State's Amended Complaint that coal tar and creosote wastes ". . . have fouled shallow wells in the vicinity of Defendant's site and rendered water extracted therefrom unfit for human consumption.",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 9: Referring to the allegation contained in Paragraph 7 of the State's Amended Complaint that ". . . beneath Defendant's site and the vicinity of Defendant's site, a series of progressively deeper aquifers which, on information and belief, are used by up to one-quarter million persons in the metropolitan area as a source of drinking water",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and

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- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 10: Referring to the allegation contained in Paragraph 7 of the State's Amended Complaint that "[u]ntil the phenols and carcinogenic PAH substances resulting from Defendant's activities are captured and removed from the soil and groundwater at and in the vicinity of Defendant's site, these harmful substances present an imminent threat of damage to the water quality of one or more aquifers because of the substantial likelihood that said substances will migrate",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 11: Referring to the allegation contained in Paragraph 7 of the States's Amended Complaint that "[s]aid harmful substances may have already begun to enter and contaminate one or more aquifers",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 12: Referring to the allegation contained in Paragraph 8 of the State's Amended Complaint that "plaintiff has expended more than \$110,000.00 in an effort to

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quantify the pollution damage to groundwater and soil and in an effort to ascertain appropriate remedial measures for recapture of the pollutants",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 13: Referring to the allegation contained in Paragraph 8 of the State's Amended Complaint that ". . . final remedial measures for recapture of the pollutants are still being studied at the further expense of the Plaintiff of not less than \$200,000.00 and have yet to be determined",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 14: Referring to the allegation contained in Paragraph 8 of the State's Amended Complaint that "[s]uch abatement measures will most likely involve barrier wells which may require pumping and treatment of barrier well effluent for as long as 50 or 100 years, all at a cost of millions of dollars",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

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- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 15: Referring to the allegation contained in Paragraph 8 of the State's Amended Complaint that ". . . final remedial measures, should such barrier wells alone prove to be inadequate, may eventually involve excavation of contaminated soil at a cost of many millions of dollars",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 16: Referring to the allegation contained in Paragraph 9 of the State's Amended Complaint that "[s]hould the harmful substances present in the soil and groundwater beneath the vicinity of Defendant's site migrate to deeper aquifers which are presently used by the Plaintiff's citizens and inhabitants as drinking water supplies, such aquifers may either have to be abandoned or the water therefrom may have to be treated by expensive filtration methods prior to human consumption",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

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INTERROGATORY NO. 17: Referring to the allegation contained in Paragraph 10 of the State's Amended Complaint that "[t]he Defendant's actions herein complained of have resulted in a continuing health hazard",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 18: Referring to the allegation contained in Paragraph 10 of the State's Amended Complaint that "[t]he Defendant has neglected to take any steps to abate that hazard",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 19: Referring to the allegation contained in Paragraph 10 of the State's Amended Complaint that "[t]he damage to Plaintiffs' citizens and inhabitants will continue for each and every day that the pollution in the vicinity of Defendant's site is not abated",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

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INTERROGATORY NO. 20: Referring to the allegation contained in Paragraph 11 of the State's Amended Complaint that "[e]ach of the statutory and regulatory violations alleged "hereinafter was willful",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 21: Referring to the allegation contained in Paragraph 15 of Count I of the State's Amended Complaint that ". . . Defendant operated a disposal system, without obtaining a state disposal system permit in violation of Minn. Stat. §115.07 subd. 1 (1976)",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 22: Referring to the allegation contained in Paragraph 25 of Count II of the State's Amended Complaint that "[t]he failure of Defendant to notify the Agency immediately of its discharges of coal tar and creosote waste to the ground surface and the failure of Defendant to take whatever immediate action was and is reasonably possible to recover the discharged coal tar and creosote

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waste and to minimize or abate pollution of underground waters of the state was and is in violation of Minn. Stat. §115.061 (1976)",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 23: Referring to the allegation contained in Paragraph 28 of Count III of the State's Amended Complaint that "Defendant's activities as hereinbefore and hereinafter alleged were and are in violation of Minn. Stat. §115.45 subd. 1 (1976)",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 24: Referring to the allegation contained in Paragraph 31 of Count IV of the State's Amended Complaint that "Defendant's activities as hereinbefore alleged were in violation of Minn. Reg. WPC 4(b) (1964)",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and

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- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 25: Referring to the allegation contained in Paragraph 34 of Count V of the State's Amended Complaint that "Defendant is a person responsible for industrial wastes which have been discharged to the unsaturated zone and to the zone of saturation and which continue to be a source of pollution to underground waters of the State",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 26: Referring to the allegation contained in Paragraph 34 of Count V of the State's Amended Complaint that "Defendant's activities as hereinbefore alleged were and are in violation of Minn. Reg. WPC 22(d)(3) (1973)",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 27: Referring to the allegation contained in Paragraph 37 of Count VI of the State's Amended Complaint that ". . . conditions created and caused by the

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Defendant as hereinbefore alleged constitute a public nuisance pursuant to Minn. Stat. §115.071 subd. 4 (1976), and are subject to abatement",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 28: Referring to the allegation contained in Paragraph 40 of Count VII of the State's Amended Complaint that "[t]he aforementioned substances in the coal tar and creosote waste which Defendant has discharged to the soil and to the groundwater impart a noxious taste and odor to water rendering it unfit for human use. . .",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 29: Referring to the allegation contained in Paragraph 40 of Count VII of the State's Amended Complaint that ". . . substances in the coal tar and creosote wastes which Defendant has discharged to the soil and to the groundwater. . . may cause cancer in human beings",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 30: Referring to the allegation contained in Paragraph 40 of Count VII of the State's Amended Complaint that "[a]s a result of Defendant's activities complained of herein, said harmful substances have materially adversely affected the environment and are likely to materially adversely affect the environment in an ever wider vicinity in the future",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 31: Referring to the allegation contained in Paragraph 41 of Count VII of the State's Amended Complaint that "[t]he soil and groundwater pollution hereinbefore alleged is subject to abatement under the Minnesota Environmental Rights Act (Minn. Stat. §116B.07 (1976))",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

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INTERROGATORY NO. 32: Referring to the allegation contained in Paragraph 43 of Count VIII of the State's Amended Complaint that "[t]he aforesaid actions by Defendant have created a public nuisance which has damaged the Plaintiff and its citizens and inhabitants in a substantial amount not yet ascertained but to be determined in this action",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 33: Referring to the allegation contained in Paragraph 43 of Count VIII of the State's Amended Complaint that "[s]aid public nuisance will continue to damage the Plaintiff and its citizens and inhabitants until such time as the pollution of groundwater caused by Defendant's actions is abated",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 34: Referring to the allegation contained in Paragraph 44 of Count VIII of the State's Amended Complaint that ". . . Plaintiff has notified Defendant of the groundwater pollution",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 35: Referring to the allegation contained in Paragraph 44 of Count VIII of the State's Amended Complaint that "Defendant has neglected to take steps to investigate or abate such pollution and will continue to neglect this public nuisance unless ordered otherwise by this Court",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 36: Referring to the allegation contained in Paragraph 46 of Count IX of the State's Amended Complaint that "[b]ecause of the presence of carcinogenic PAH substances in Defendant's coal tar and creosote wastes, the operations of the Defendant herein complained of constituted an unduly dangerous activity involving a risk of serious harm to the citizens and inhabitants of the State of Minnesota",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

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(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 37: Referring to the allegation contained in Paragraph 47 of Count IX of the State's Amended Complaint that "[t]he defendant knew or should have known that the activities herein complained of were unduly dangerous and involved a risk of serious harm to the citizens and inhabitants of the State of Minnesota",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 38: Referring to the allegation contained in Paragraph 50 of Count X of the State's Amended Complaint that "[t]he actions of the Defendant complained of herein were in violation of a duty of care owed to the Plaintiff and its citizens and inhabitants, in that said actions were unreasonable, careless, and negligent",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

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INTERROGATORY NO. 39: Referring to the allegation contained in Paragraph 51 of Count X of the State's Amended Complaint that "[a]s a direct and proximate result of the negligent actions of the Defendant, the Plaintiff and its citizens and inhabitants have suffered substantial damages. . .",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 40: Referring to the allegation contained in Paragraph 53 of Count XI of the State's Amended Complaint that "[t]he Defendant's use of groundwater for the purpose of disposing of its coal tar and creosote waste was and is an unreasonable use of such groundwater. . ."

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 41: Referring to the allegation contained in Paragraph 53 of Count XI of the State's Amended Complaint that defendant's use of groundwater ". . . has interfered with and impaired and will continue to interfere with and impair the beneficial uses of such groundwater to which the Plaintiff and its citizens and inhabitants have vested riparian rights",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 42: Referring to the allegation contained in Paragraph 12 of the City's Complaint in Intervention that ". . .the City has incurred and will incur considerable expense. . . [which] expenses relate to the quantification of the scope of the damage, the determination of the appropriate remedial response, and the delay in undertaking public projects because of the underground water contamination",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 43: Referring to the allegation contained in Paragraph 13 of the City's Complaint in Intervention that "[t]he original complaint in this action, as served on October 2, 1970, by the PCA and the City, raised claims of surface water and air pollution separate and distinct from the claims of underground water contamination now asserted",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

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(b). Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 44: Referring to the allegation contained in Paragraph 13 of the City's Complaint in Intervention that "[a]t the time of the previous action there was no known damage to underground waters as a result of Reilly Tar's conduct",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 45: Referring to the allegation contained in Paragraph 15 of the City's Complaint in Intervention that "[t]he City became interested in purchasing the property as part of an urban renewal plan for the area",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 46: Referring to the allegation contained in Paragraph 16 of the City's Complaint in

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Intervention that "[a]t that time, neither the City, the Minnesota Department of Health, nor the PCA were aware of an existing threat to the source of drinking water of the residents or of possible carcinogens in the groundwater because of Reilly Tar's operations",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 47: Referring to the allegation contained in Paragraph 16 of the City's Complaint in Intervention that "[t]he City would not have purchased the property had it known those facts",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 48: Referring to the allegation contained in Paragraph 18 of the City's Complaint in Intervention that "[t]he City would not have . . . given a hold harmless agreement had it been advised or known of those facts",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 49: Referring to the allegation contained in Paragraph 19 of the City's Complaint in Intervention that "[w]ith the understanding that there were no significant cleanup problems on the site, the City gave the hold harmless agreement to Reilly Tar as a substitute for the dismissal expected to be given by the PCA as soon as the details of the site cleanup plan had been agreed to by the PCA and the City",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 50: Referring to the allegation contained in Paragraph 19 of the City's Complaint in Intervention that "[t]he intention of the City in giving the hold harmless agreement was to accomplish only that which Reilly Tar would have secured by receipt of the anticipated PCA dismissal: protection against liability for surface water and air pollution",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 51: Referring to the allegation contained in Paragraph 17 of the City's Cross-Claim against the State that "[a]t the time this suit was originally commenced and at the time the City negotiated for the purchase of the Reilly Tar property, it consulted with the Minnesota Department of Health and the Minnesota Pollution Control Agency about the consequences of the air and surface water pollution discharges of Reilly Tar",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 52: Referring to the allegation contained in Paragraph 17 of the City's Cross-Claim against the State that "[t]he City was advised by the MDH and MPCA that no threat to public health from groundwater contamination existed and that there were no pollution conditions which required substantial curative action",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

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(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 53: Referring to the allegation contained in Paragraph 17 of the City's Cross-Claim against the State that "[t]he City relied upon these representations in executing the Agreement for Purchase of Real Estate, Contract for Deed, Hold Harmless Agreement and Dismissal With Prejudice of its air and surface water claims",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 54: Referring to the allegation contained in Paragraph 18 of the City's Cross-Claim against the State that "[t]he State of Minnesota made these representations knowing, or under circumstances that it should reasonably expect, that the City was acting in reliance upon them to the mutual benefit of the State in solving the air and surface water pollution caused by Reilly Tar's operations by purchase of the Reilly Tar property",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

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(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 55: Referring to the allegation contained in Paragraph 18 of the City's Cross-Claim against the State that "[t]he State. . . knowing, or under circumstances that it should reasonably expect, that the City had been led to believe a dismissal of the air and surface water claims of the State would be given because the purchase mooted those claims, and knowing, or under circumstances that it should reasonably expect, that the City had agreed in principle to undertake those clean-up measures then said to be necessary and adequate",

(a) Identify each person who has or claims to have knowledge of facts concerning that allegation;

(b) Identify each document that refers to or relates to that allegation; and

(c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 56: Referring to the allegation contained in Paragraph 4 of the Affidavit of Sandra S. Gardebring attached in the State's Amended Complaint that "[e]vidence of such a risk came into Plaintiff's possession after the filing of the complaint and by reason thereof the Plaintiff was unable to set forth the same in the original complaint",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation;

INTERROGATORY NO. 57: Referring to the allegation contained in Paragraph 5 of the Affidavit of Sandra S. Gardebring attached to the State's Amended Complaint that groundwater ". . . investigations had not been pursued prior to the filing of the original complaint but have been diligently pursued by the Plaintiff since that time",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 58: Referring to the allegation contained in Paragraph 6 of the Affidavit of Sandra S. Gardebring attached to the State's Amended Complaint that "[S]ince the filing of the original complaint, there have been substantial on-going efforts by the MPCA, the City of St. Louis Park, the Minnesota Department of Health, and various private consultants to investigate and quantify the precise nature and extent of the pollution caused by Defendant Keilly Tar & Chemical Corporation, and to ascertain the appropriate remedial measures to abate that pollution",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 59: Referring to the allegation contained in Paragraph 7 of the Affidavit of Sandra S. Gardebring attached to the State's Amended Complaint that "[t]hrough the aforementioned investigation, effort, and expense, the Plaintiff has gradually obtained new evidence as to the nature and extent of the groundwater pollution resulting from Defendant's activities",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 60: Referring to the allegation contained in Paragraph 7 of the Affidavit of Sandra S. Gardebring attached to the State's Amended Complaint that "[t]he Plaintiff has thus learned, subsequent to the filing of the original complaint, that the very same conduct, transactions, and occurrences complained of in the original complaint---i.e., Defendant's practice of discharging coal tar and creosote wastes to the ground surface---have caused substantial pollution of the groundwater in the vicinity of Defendant's site",

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- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 61: Referring to the allegation contained in Paragraph 2 of page 3 of the State's Memorandum of Law in Support of Plaintiff's Motion for Leave to Amend Complaint that "[n]ewly discovered evidence that environmental contamination previously thought to be relatively harmless contains carcinogenic substances . . .",

- (a) Identify each person who has or claims to have knowledge of facts concerning that allegation;
- (b) Identify each document that refers to or relates to that allegation; and
- (c) Identify each oral communication or other event that refers to or relates to that allegation.

INTERROGATORY NO. 62: Referring to information in the possession of or under the control of plaintiffs relating to the geohydrology of the City of St. Louis Park area tending to support plaintiff's allegations that the discharge of coal tar and creosote waste to the ground at the Site have or will pollute the drinking water supplies of the citizens or inhabitants of the State of Minnesota,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and

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- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 63: Referring to information in the possession of or under the control of plaintiffs concerning water chemistry of the groundwater as sampled from wells in the vicinity of St. Louis Park and the Site tending to support plaintiffs' allegations that coal tar derivatives or creosote wastes from the Republic Creosote/Reilly facility have contaminated the drinking water supplies of the citizens and inhabitants of the State of Minnesota,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 64: Referring to information in the possession of or under the control of plaintiffs concerning chemical analyses of soil samples taken from the Site and other locations in the City of St. Louis Park which have been analyzed for the presence of phenols, polynuclear aromatic hydrocarbons (PAH), benzene extractables, and other biological chemical and physical parameters,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

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INTERROGATORY NO. 65: Referring to information in the possession of or under the control of plaintiffs concerning the analyses and testing conducted by the Rice Division of NUS Corporation which reported no phenols or phenolic-like materials except for a trace in one private well; such test having been conducted for the City of St. Louis Park in November, 1970, or thereabouts,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 66: Referring to information in the possession of or under the control of plaintiffs concerning water chemistry analyses and quantitative and qualitative descriptions of surface water and groundwater pertaining to odors, tarry tastes, chemical constituents or other abnormal characteristics in the water for samples taken in the vicinity of the City of St. Louis Park prior to, during, and after commencement of this action; including reports received prior to development of the Site as a creosoting and coal tar industrial facility,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and

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- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 67: Referring to information in the possession of or under the control of plaintiffs concerning the test conducted by a Dr. Baker of Carnegie Mellon University conducted in November, 1970, or thereabouts, for the City of St. Louis Park,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 68: Referring to all communications and meetings between the State of Minnesota and its agencies with the U.S. Environmental Protection Agency and amongst the state agencies regarding the designation of aquifers under the Metropolitan Minneapolis-St. Paul area as a Primary Water Source under Part C, Section 1424(e) of the Federal Safe Drinking Water Act (PL 93-523),

- (a) Identify each person who has or claims to have knowledge of facts concerning these items;
- (b) Identify each document that refers to or relates to these items; and
- (c) Identify each oral communication or other event that refers to or relates to these items.

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INTERROGATORY NO. 69: Referring to information in the possession of or under the control of plaintiffs concerning various chemical constituents found in the City of St. Louis Park's water supply which exceed or may exceed the standards set by the Federal Safe Drinking Water Act (P.L. 93-523); both those attributable and those not attributable to coal tar derivatives and/or creosote waste products,

- (a) Identify each person who has or claims to have knowledge of facts concerning this information;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 70: Referring to information in the possession of or under the control of plaintiffs concerning the National Pollutant Discharge Elimination System (NPDES) permit proceedings in 1974 and 1975 in which the City of St. Louis Park applied for a permit to discharge from a wastewater treatment system on the former Republic Creosote/Reilly Site to Minnehaha Creek, which resulted in the "Findings of Fact, Conclusions and Recommendations" issued by the Minnesota Pollution Control Agency, dated March 7, 1975,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;

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- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 71: Referring to information in the possession of or under the control of plaintiffs concerning meetings, communications and other events between the U.S. Department of Housing and Urban Development (HUD) and the State or City regarding or referring to the Site; defendant; water or soil pollution or health problems on, near or under the Site; and the feasibility of development of the Site for housing purposes or otherwise,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 72: Referring to all information in the possession of or under the control of plaintiffs concerning the sale of the Site and Hold Harmless Agreement between the City and the defendants; negotiations leading to those agreements; and the State's participation in those negotiations,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

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INTERROGATORY NO. 73: Referring to information in the possession of or under the control of plaintiffs concerning the meeting(s), official or otherwise, of the St. Louis Park City Council or city officials on May 12, 1970,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 74: Referring to information in the possession of or under the control of plaintiffs concerning the overflowing of storm waters over the Site, such flooding having been caused by the activities or omissions of the City of St. Louis Park, while the Site was in operation and after the Republic Creosote/Reilly facilities were removed,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 75: Referring to information in the possession of or under the control of plaintiffs concerning drainage plans designed or drawn as adjuncts to the design and construction of streets, parking lots and culverts in, around and upon the vicinity of the Site,

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- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 76: Referring to information in the possession of or under the control of plaintiffs concerning activities of the City of St. Louis Park City Planning Commission and City Council dealing with the routing of Louisiana Avenue in the vicinity of the Site from January 1, 1962, to date,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 77: Identify all persons who have held or are holding any of the following City of St. Louis Park offices, however designated, since January 1, 1962: Member of City Council; Member of City Planning Commission; City Manager; Assistant City Manager; City Planning Director; Assistant City Planning Director; and City Attorney.

INTERROGATORY NO. 78: List all wells in the vicinity of the Site alleged to be affected or that will be affected by the discharge of coal tar derivatives or creosote wastes to the surficial groundwater at the Site. For each well provide the following:

- (a) location;
- (b) ownership;

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- (c) purpose;
- (d) date drilled;
- (e) depth drilled and aquifer tapped;
- (f) whether cased or uncased;
- (g) pumping rate;
- (h) drawdown;
- (i) water chemistry;
- (j) unusual characteristics, if any;
- (k) present use; and
- (l) for each well listed:
 - (1) Identify each person who has or claims to have knowledge of facts concerning the well;
 - (2) Identify each document that refers to or relates to the well; and
 - (3) Identify each oral communication or other event that refers to or relates to well.

INTERROGATORY NO. 79: Identify all possible sources of phenols, polynuclear aromatic hydrocarbons and/or benzene extractables known by plaintiffs to exist or to have existed in the vicinity of the City of St. Louis Park prior to, during, or following commencement of this action (including all sources known to have existed prior to development of the Site as a coal tar and creosote industrial facility); including but not limited to: peat bogs; peat deposits; swamps; marshes; petroleum refineries; petroleum and natural gas storage and transfer sites; sanitary landfills; plastic or chemical treatment manufacturing and/or storage facilities; plastic and chemical waste dumps and/or ponds; natural gas coking ovens; petroleum and/or natural gas pipelines; creosote and coal tar derivative sites, including road treatment facilities; wood treating and

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storage sites; asphalt manufacturing, storage and use facilities; and all abandoned sites for the above. For each possible source provide the following:

- (a) location;
- (b) chemical(s) involved;
- (c) quantity(ies);
- (d) ownership, if any;
- (e) permits, if any;
- (f) legal actions undertaken or contemplated by Plaintiff State of Minnesota, if any;
- (g) resolution of actions undertaken or contemplated;
- (h) aquifer(s) affected; and
- (i) for each possible source:
 - (1) Identify each person who has or claims to have knowledge of facts concerning the possible source;
 - (2) Identify each document that refers to or relates to the source; and
 - (3) Identify each oral communication or other event that refers to or relates to the source.

INTERROGATORY NO. 80: Referring to information in the possession of or under the control of plaintiffs concerning industrial activities on or within 2000 feet from the Site prior to 1917,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and

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- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 81: Referring to information in the possession of or under the control of plaintiffs concerning health and physiological effects of coal tar derivatives and creosote wastes on humans tending to support the plaintiffs' allegations that waste products from the Site are carcinogenic and will have a deleterious effect on the well being and health of the citizens and inhabitants of the State of Minnesota,

- (a) Identify each person who has or claims to have knowledge of facts concerning the information requested in this Interrogatory;
- (b) Identify each document that refers to or relates to that information; and
- (c) Identify each oral communication or other event that refers to or relates to that information.

INTERROGATORY NO. 82: Identify each person plaintiffs have communicated with with regard to industrial waste storage and disposal sites in the vicinity of the Site in the City of St. Louis Park and state in detail the following:

- (a) person contacted;
- (b) corporation or business affected;
- (c) material to be stored or disposed of at the site;
- (d) permit applied for, rejected or approved; and
- (e) date of all such communications.

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INTERROGATORY NO. 83: List all causes of action substantially similar to this one contemplated but for which institution of action was not or has not yet been made by Plaintiff State of Minnesota. For each cause of action so contemplated provide:

- (a) potential defendant(s);
- (b) activity sought to be curtailed;
- (c) chemical(s) involved;
- (d) location of site(s) or facility(ies) involved;
- (e) reason(s) for not instituting action or status of present proceedings;
- (f) other information relating to the matter in the possession or under the control of plaintiff;
and
- (g) for every cause of action:
 - (1) Identify each person who has or claims to have knowledge of facts concerning the cause of action;
 - (2) Identify each document that refers to or relates to that case; and
 - (3) Identify each oral communication or other event that refers to or relates to that case.

INTERROGATORY NO. 84: List all causes of action substantially similar to this one which had been instituted by Plaintiff State of Minnesota in any other court in this state or in any federal district court. For each cause of action so instituted provide the following:

- (a) defendant(s);
- (b) activity sought to be curtailed;
- (c) chemical(s) involved;
- (d) location of site(s) or facility(ies) involved;

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- (e) decision rendered or settlement reached, if any;
- (f) court of record;
- (g) court file number or other suitable identification to enable defendant to locate the file of said case; and
- (h) for each cause of action listed:
 - (1) Identify each person who has or claims to have knowledge of facts concerning the case;
 - (2) Identify each document that refers to or relates to that case; and
 - (3) Identify each oral communication or other event that refers to or relates to that case.

INTERROGATORY NO. 85: List all administrative agency actions at the State and City level of government which have dealt with the application, denial, approval, and enforcement of permits concerning possible and/or actual contamination of groundwater in the vicinity of the Site and in the City.

For each administrative agency action listed provide:

- (a) identity of applicant, violator, or permit holder;
- (b) activity which was subject of administrative action;
- (c) chemical(s) or pollutant(s) involved;
- (d) location of site(s) or facility(ies) involved;
- (e) reason for administrative action or status of present proceedings;
- (f) identity of agency;
- (g) agency file or docket identification;

- (h) other information relating to the matter in the possession or under the control of plaintiffs; and
- (i) for every administrative action:
 - (1) Identify each person who has or claims to have knowledge of facts concerning the action;
 - (2) Identify each document that refers to or relates to that action; and
 - (3) Identify each oral communication or other event that refers to or relates to that action.

INTERROGATORY NO. 86: Identify each person who provided information used by plaintiffs in answering these Interrogatories, and with regard to each such person, describe by number (including subparagraphs, if any) the Interrogatory or Interrogatories for which he supplied information.

INTERROGATORY NO. 87: Identify each statement in your possession, custody or control concerning this action or its subject matter. The word "statement" shall have the same definition as that set forth in the second paragraph of Rule 26.02(3) of the Minnesota Rules of Civil Procedure.

INTERROGATORY NO. 88: Identify every other person not identified in your answers to previous Interrogatories who claims to have knowledge of the facts or issues in this action and the area in which he or she claims to have knowledge.

INTERROGATORY NO. 89: Identify all materials not identified in your answers to previous Interrogatories in plaintiff's possession subject to their control or of which

agents, including attorneys, have knowledge which purport to refer to, relate to, involve, or are relevant in any way to the Amended Complaint, the Complaint in Intervention, Answer(s) or any of the other pleadings in this action.

Dated: 9-13, 1979

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& HALLADAY

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